

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

COURTNEY D. ANDREWS-BYRD,)
)
Plaintiff,)
)
v.) No. 4:24-cv-01285-MTS
)
)
NATIONAL RECORDS & ARCHIVES)
ADMINISTRATION,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on self-represented Plaintiff Courtney D. Andrews-Byrd's Application to Proceed in District Court Without Prepaying Fees or Costs and Motion for Appointment of Counsel and Affidavit in Support. Docs. [2] & [3]. Having reviewed the Application, the Court will grant it, *see* 28 U.S.C. § 1915(a)(1), but the Court will not order the service of process on Plaintiff's Complaint until the Court completes an initial review of the merits of this action, *see id.* § 1915(d), (e)(2)(B).

As to Plaintiff's Motion to Appoint Counsel, the Court will deny the Motion at this time. Doc. [3]. In civil cases, self-represented litigants do not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). After reviewing these

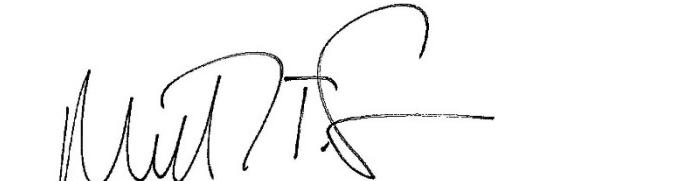
factors, the Court finds that the appointment of counsel is not currently warranted. Neither the factual nor the legal issues in this case appear to be complex, and Plaintiff has not explained why she would be unable to investigate the facts of the case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees and Costs, Doc. [2], is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel, Doc. [3], is **DENIED**.

Dated this 11th day of October 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE